

REMARKS

This amendment is collectively responsive to the Official Actions mailed June 6, 2003, March 16, 2004 and June 18, 2004, the shortened statutory period for filing a response to the latest Official Action being set to expire on July 18, 2004. In view of the above amendments and below remarks, reconsideration of the Examiner's rejection is respectfully requested.

As the Examiner has stated that Applicant's amendments of December 8, 2003 and presumably March 31, 2004 have not been entered, the claims in this amendment are based on those presented in Applicant's Amendment of March 4, 2003.

The Examiner has objected to certain of Applicant's claims as not containing the claim identifier "withdrawn" as to those claims designated by the Examiner as having been withdrawn from consideration, i.e., claims 37-40, 44-49 and 55-62. Applicant has corrected the claim identifier as to the withdrawn claims so as to overcome the objection raised by the Examiner.

The present application includes claims 36-40, 42-50, 52-67, 69-72 and 74-87, as well as newly proposed claims 88-92 for consideration by the Examiner. Of the pending claims, claims 36, 50, 63, 67, 72, 86, 88, 90 and 91 have been presented in independent form. The Examiner has withdrawn claims 44-49 and 52-62 from further consideration as being drawn to a non-elected species, there being no allowable generic or linking claim. In this regard, the Examiner believes that the claims are not generic on the basis that independent claims 36, 50, 63, 67 and 72 includes the limitations of first and second flanges which are not part of the Species III shown in Fig. 8. Applicant will address this issue in the below remarks which will establish that all of the independent claims are, in fact, generic to all of the disclosed species in the pending application.

As previously explained in Applicant's prior responses, the claims are directed to a kit which includes all of the required components which, upon their selection, can be assembled to form a clamp mount, wall mount or flat mount. As the claims are directed to a kit, the claims do not specifically claim the assembly of the attachment components into any one particular bracket configuration. Rather, the components of the kit are capable of being assembled into any one of the plurality of bracket configurations each of a different configuration.

By selecting the appropriate attachment components of the kit, it is possible to construct a bracket in accordance with Species III as shown in Fig. 8. This obviously will not use the first member as noted by the Examiner. However, the first member is still part of the kit which also includes other unspecified attachment components. In the case of the bracket as shown in Fig. 2, the bracket will include the first member, as well as other attachment components as required although they are not specifically identified in the claims. These other components are part of the plurality of attachment components which form part of the kit. Thus, all claims pending in this application are considered generic to a kit including a plurality of attachment components, which are selectively capable of being assembled into different bracket configurations, which bracket configurations may include different attachment components.

The Examiner has also stated that Applicant's amendment of December 8, 2003 is not fully responsive to the prior Official Action because the claims are not readable on the elected species II (drawn to Figs. 2, 3 10A-B and 12A-C, elected in paper No. 9). The Examiner contends that the claims pending in this application fail to read on the elected species by inclusion of the limitation "a second one of said plurality of attachments comprising a wall mount", "a third one of said

plurality of attachments comprising a flat mount", and "at least one of said attachments comprising the assembly of less than all of said less plurality of attachment components." The Examiner states that the Applicant can only direct the claims to the elected species II, stating that the present claims are directed to non-elected species I and III. For the foregoing reason, the Examiner's rejection is traverse and should therefore be withdrawn.

Applicant agrees with the Examiner that the aforementioned claims are readable upon the non-elected species I and III. It is precisely for this reason that Applicant has argued in its prior response that all independent claims pending in this application are generic to species I, II and III. By definition, a generic claim is readable upon all species, and that fact cannot be used against Applicant for rejecting the claims as improperly reading upon a non-elected species. As such, it is clearly proper, as in the present claims, for the claims to read upon the non-elected species. Applicant opines that the Examiner does not disagree with this principal, but opining that the claims are not readable upon the elected species II.

This contention by the Examiner is clearly in error. Applicant has amended the claims to clarify any issue that the independent claims read on the elected species II. For example with respect to independent claim 36, it is stated that "said plurality of attachments at least including a clamp mount which comprises a first one of said plurality of attachments adapted for attaching said attachment to an edge portion of the support." This limitation is specifically the elected species II. Thus, at the very least, Applicant's claimed kit must be capable of assembling an attachment in the nature of a clamp mount which corresponds to the elected species II. Optionally, the attachment components can also be assembled into the form of

a wall mount or a flat mount, which is readable on species I and III. Therefore, the claims are readable upon all three species and hence, are generic as previously argued by Applicant.

As to the cited prior art, the Examiner in the Official Action of June 6, 2003 has rejected claims 36, 63, 64, 72, 76, 78, 79, 80, 83 and 85 as being anticipated under 35 U.S.C. § 102(b) by *Koskinen*, United States Patent No. 3,568,963; claims 42, 65, 74 and 81 as being obvious under 35 U.S.C. §103(a) over *Koskinen* in view of *Rossmann*, United States Patent No. 5,277,392; claims 86 and 87 as being obvious under 35 U.S.C. § 103(a) over *Koskinen* in view of *Higgins*, United States Patent No. 1,785,518; and claims 43, 50-54, 66-71, 75, 77, 82 and 84 as being obvious under 35 U.S.C. 103 (a) over *Koskinen* in view of *Higgins* in further view of *Murdock*, United States Patent No. 2,950,836. In view of the above amendments and below remarks, the Examiner's rejection is considered traverse and should therefore be withdrawn.

The Examiner has also rejected claims 36-40, 42, 43, 74, 81, 63-66, 76 and 83 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection specifically pertains to claims 36, 40 and 63 as set forth on page 3 of the later Official Action. The objection stated by the Examiner relates to an asserted improper antecedent basis for certain other claim limitations. Applicant has amended the aforementioned claims to overcome the stated objections to the claims under 35 U.S.C. § 112, second paragraph. Accordingly, all claims pending in this application are in full compliance with the provisions of 35 U.S.C. § 112, second paragraph, and notice to that effect is respectfully requested.

The present invention is directed to a kit which can be assembled into a plurality of attachments, also defined as a plurality of brackets or a plurality of mounting devices, each of a different configuration. Applicant will refer to these limitations as a bracket for clarity of understanding. Each of the brackets are adapted for mounting a device to a support. The device may be in the nature of an electronic device such as a computer display screen, or an extension arm, tilter assembly, forearm extension, or other such device desired to be mounted to a support. The support may take various forms, and as shown in the drawings, an edge portion, see Fig. 2, a horizontal surface, see Fig. 8, or a vertical surface, see Figs. 4, 15 by way of example.

The brackets are formed from a plurality of attachment components which are capable of being assembled into the plurality of brackets, each of a different configuration, for example, a clamp mount for attaching the bracket to the edge portion of a support, a wall mount adapted for attaching the bracket to the vertical surface of the support, or a flat mount adapted for attaching the bracket to the horizontal surface of the support, as illustrated in the aforementioned drawings. The one attachment component that is common with all of the bracket configurations is a holder, and more specifically, a shaft holder, which is adapted for coupling the device to be mounted to the support.

In the prior art, such as *Koskinen*, there is disclosed a plurality of bracket configurations. However, the prior art has only recognized providing individual bracket constructions based upon the nature of the specific support to which the bracket was to be attached. As such, when purchasing a device to be mounted to a horizontal surface, the purchaser would order a specific bracket adapted to be attached to the horizontal surface. In the case it was desired to now mount the device to

an edge portion of a support, the purchaser would be required to purchase another bracket specifically adapted for an edge portion. This is specifically disclosed in *Koskinen*, where only individual brackets are disclosed.

The present invention provides the user of a device with the flexibility of mounting the device to different types of supports without having to purchase a specific bracket adapted for that purpose. To this end, Applicant has provided a kit which includes a plurality of attachment components which can be assembled by the purchaser into any one of a number of bracket configurations to accommodate either an edge portion of a support, a horizontal surface of a support, or a vertical portion of a support, all without having to repurchase either a specific bracket or additional components. Thus, each kit as claimed by Applicant has the capability of being assembled into each of the aforementioned bracket configurations. Thus, it is not a requirement that all of the attachment components be used in assembling each of the bracket configurations. This is set forth in, for example, claim 36 by at least one of the attachments comprising the assembly of less than all of the plurality of attachment components.

From the foregoing explanation, the kit includes a plurality of attachment components. The user decides which bracket configuration to be assembled, selecting only those attachment components required for the selected bracket configuration. These selected components are then assembled into the bracket configuration desired. Not all of the attachment components are required to be used in each of the assembled bracket configurations. As noted, the remaining attachment components may be used in configuring a different bracket. By way of example, a wall mount bracket configuration will use some different attachment components than a clamp mount

bracket configuration. The particular selection of attachment components is left to the user.

The prior art cited by the Examiner fails to anticipate or render obvious Applicant's claimed invention. It is acknowledged that *Koskinen* discloses a variety of individual bracket configurations, each including a housing sleeve 24. However, there is nothing disclosed in *Koskinen* to suggest providing all of the individual components together as a kit from which the user may select only those components required for the bracket configuration desired. That is, there is no teaching or suggestion in *Koskinen* to providing all of the individual components required for making each of the disclosed bracket configurations into a single kit for selective selection by the user for configuring a specific bracket configuration.

The Examiner in support of *Koskinen* disclosing a kit states that the kit of *Koskinen* is constituted by the packaging of the various components as disclosed by *Koskinen*, leaving the individual to determine how to combine the components. However, there is nothing in *Koskinen* to suggest packaging all of the various components in a single kit as suggested by the Examiner. *Koskinen* makes no reference to the kit proposed by the Examiner, rather, only disclosing individual bracket configurations.

Notwithstanding the foregoing, *Koskinen* fails to teach or suggest Applicant's claimed invention. As previously noted, the kit of Applicant's claimed invention is capable of forming a bracket configuration in the nature of a clamp mount, wall mount or flat mount. This feature was previously the subject matter of now cancelled dependent claims 51 and 68. There is no disclosure in *Koskinen* of a bracket configuration which is in the nature of a wall mount adapted for attaching the bracket to a vertical surface. *Koskinen* only discloses a clamp mount, See Fig. 7, or a flat mount, See Fig. 2. Although there are bracket constructions disclosed in the prior art, for example, *Murdock*

and *Rossmann* for attaching a bracket to a vertical surface, there is no suggestion of modifying any of the bracket designs in *Koskinen* to accommodate same. Still even further, there is no motivation or suggestion in the art to assemble the components of the individual brackets disclosed in the prior art into a single kit from which all of these brackets (including a clamp mount, wall mount and flat mount) can be configured from the components.

Applicant's newly proposed claims 88-92 are specifically directed to a kit for a bracket adapted for mounting a computer display screen to a support. Specifically with reference to independent claims 88 and 91, the first component is provide with a first and second flange, the first flange having an inner and outer surface. The holder is adapted to be attached to the inner and outer surfaces of the first flange to form a plurality of bracket configurations. By way of example, as shown in Fig. 2, the holder is attached to the outer surface of the flange to form a clamp mount. On the other hand, as shown in Fig. 4, the holder is attached to the inner surface of the flange to form a vertical wall mount. In addition, a vertical wall mount can be formed as shown in Fig. 6 by coupling the holder to the outer surface of the first flange. There is no disclosure in the prior art of this feature of Applicant's invention. As all claims pending in this application possess the requisite novelty and unobviousness over the prior art of record, notice to that effect is respectfully requested.

In considering Applicant's within response, Applicant designates the rejected dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission

that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

Applicant notes the submitted supplemental information disclosure statement of December 8, 2003 which brings to the attention of the Examiner the existence of United States Patent No. 5,903,991 which was cited in Applicant's corresponding divisional application, United States Patent Application Serial No. 09/916,934.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

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If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/406,531

Docket No.: INNOFF 3.0-006

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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